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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,594	07/31/2001	Margaret Seiler	5246 P 003	2534

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EXAMINER

PHAM, HUNG Q

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,594

Applicant(s)

SEILER ET AL.

Examiner

HUNG Q. PHAM

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-13, 15-19, 23, 54 and 58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-13, 15-19, 23, 54 and 58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/27/05 has been entered.

Response to Amendment

The Supplemental Declaration filed on 06/27/2005 under 37 CFR 1.131 is sufficient to overcome the US Patent 6,658,400, 6,606,744, and US Patent Publications 2002/0059201, 2002/0059228 references.

Response to Arguments

Applicant's arguments with respect to claims 54 and 58 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 58 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As in claim 58, the step of *receiving a command to take a recruiting action, and in response to the command, displaying the positioner information to the potential positionee* is not described in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2-4, 6, 9-13, 15, 16, 23, 54 and 58 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Puram et al. [USP 6,289,341 B1].

Regarding claim 54, Puram teaches *a computer program for matching a potential positionee and a potential positionor* (Abstract), the program comprising the step of:

providing the potential positionee with a positionee information entry interface for electronically entering positionee information comprising the potential positionee's actual qualifications, the positionee information being stored in a database (Col. 2, Line 66-Col. 3, Line 2);

providing the potential positionor with a positionor information entry interface for electronically entering positionor information comprising at least one target qualification for a position, the positionor information being stored in the database (Col. 2, Line 65-Col. 3, Line 2 and Col. 5, Line 66-Col. 6, Line 15);

determining whether the positionee information correlates with the positionor information (FIG. 3, step 250, Col. 7, Lines 5-20);

creating a correlated information list of correlated information (Col. 7, Lines 21-27); and,

providing the correlated information for review (Col. 7, Lines 40-47 and 65-67).

Regarding claim 58, Puram teaches *a method of matching a potential positionee and a potential positionor* (Abstract), comprising the steps of:

receiving positionee information comprising the potential positionee's actual qualifications, the positionee information being stored in a database (Col. 2, Line 66-Col. 3, Line 2);

receiving positionor information comprising at least one target qualification for a position, the positionor information being stored in the database (Col. 2, Line 65-Col. 3, Line 2 and Col. 5, Line 66-Col. 6, Line 15);

correlating the positionee information with the positionor information (FIG. 3, step 250, Col. 7, Lines 5-20);

ranking the correlated information based upon the potential positionee's qualifications (Col. 3, Lines 37-39 and Col. 8, Lines 12-29);

displaying the correlated information to the potential positionor (Col. 7, Lines 21-27); and,
receiving a command to take a recruiting action (Col. 7, Lines 65-67), *and in response to the command, displaying the positionor information to the potential positionee* (Col. 9, Lines 34-39).

Regarding claim 2, Puram teaches all the claim subject matters as discussed above with respect to claim 58, Puram further discloses *the correlated information is provided to the potential positionee for review* (Col. 9, Lines 20-33).

Regarding claim 3, Puram teaches all the claim subject matters as discussed above with respect to claim 58, Puram further discloses *the correlated information is provided to the potential positionor for review* (Col. 7, Lines 21-27).

Regarding claim 4, Puram teaches all the claim subject matters as discussed above with respect to claim 58, Puram further discloses *the actual qualifications comprises a skill of the potential positionee* (Col. 3, Line 50-Col. 5, Line 20).

Regarding claim 6, Puram teaches all the claim subject matters as discussed above with respect to claim 58, Puram further discloses *the positionee information further comprises contact information for receiving communication* (Col. 8, Lines 35-46).

Regarding claim 9, Puram teaches all the claim subject matters as discussed above with respect to claim 58, Puram further discloses *the positionee information further comprises work history information* (FIG. 5).

Regarding claim 10, Puram teaches all the claim subject matters as discussed above with respect to claim 58, Puram further discloses *the positionee information further comprises education information* (FIG. 5).

Regarding claim 11, Puram teaches all of the claimed subject matter as discussed above with respect to claim 58, Puram further discloses *the actual qualifications further comprise at least one skill selected from a positionee skills listing* (FIG. 11B).

Regarding claim 12, Puram teaches all of the claimed subject matter as discussed above with respect to claim 58, Puram further discloses *the positionee information further comprises at least one position category and the actual qualifications further comprise at least one skill relating to the position category* (FIG. 11B).

Regarding claim 13, Puram teaches all of the claimed subject matter as discussed above with respect to claim 58, Puram further discloses *the positionor information further comprises position or entity information* (FIG. 2, step 185).

Regarding claim 15, Puram teaches all of the claimed subject matter as discussed above with respect to claim 58, Puram further discloses *the positionor information further comprises positionor contact information* (Col. 8, Lines 35-46).

Regarding claim 16, Puram teaches all of the claimed subject matter as discussed above with respect to claim 58, Puram further discloses the *positionor information comprises a plurality of target qualifications for the position* (FIG. 9).

Regarding claim 23, Puram teaches all of the claimed subject matter as discussed above with respect to claim 58, Puram further discloses *the positionor information comprises special programs participation information* (FIG. 9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 5, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puram et al. [USP 6,289,341 B1] in view of The Monster Board [The Monster Board, <http://web.archive.org/web/19981206114609/http://www3.monster.com/>].

Regarding claim 5, Puram teaches all the claim subject matters as discussed above with respect to claim 58, but does not teach *the positionee information is maintained confidential*. The Monster Board is a Web site for job seekers and employers, The Monster Board further teaches the claimed *the positionee information is maintained confidential*. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to maintain the information of job seekers confidential in order to protect the privacy of job seekers.

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Regarding claim 18, Puram teaches all of the claimed subject matter as discussed above with respect to claim 58, but fails to disclose *the positionor information further comprises benefits information for the position*. The Monster Board is a Web site for job seekers and employers, The Monster Board further teaches the claimed *the positionor information comprises benefits information for the position*. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to include benefit in order to attract job seekers.

Regarding claim 19, Puram teaches all of the claimed subject matter as discussed above with respect to claim 58, but fails to disclose *the positionor information further comprises site location information for the position*. The Monster Board is a Web site for job seekers and employers, The Monster Board further teaches the claimed *the positionor information further comprises site location information for the position*. It would have been obvious for one of ordinary skill in the art at the time the invention was made to include site location in order to attract job seekers.

Claims 7, 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puram et al. [USP 6,289,341 B1] in view of USAJOBS [USAJOBS – United States Office Of Personnel Management, <http://web.archive.org/web/19981212033738/http://www.usajobs.opm.gov/>] .

Regarding claim 7, Puram teaches all the claim subject matters as discussed above with respect to claim 58, but fails to teach *the positionee information further comprises veteran information*. USAJOBS teaches *the positionee information comprises veteran information* (USAJOBS – United States Office Of Personnel Management). It would have been obvious for one of ordinary skill in the art at the time the invention was made to include veteran information in order to categorize job seekers.

Regarding claim 8, Puram teaches all of the claimed subject matter as discussed above with respect to claim 58, but fails to teach *the positionee information further comprises transportation information for position site availability*. USAJOBS teaches *the positionee information further comprises transportation information for position site availability* (USAJOBS – United States Office Of Personnel Management). It would have been obvious for one of ordinary skill in the art at the time the invention was made to include transportation information in order to narrow down the job search to a particular area.

Regarding claim 17, Puram teaches all of the claimed subject matter as discussed above with respect to claim 58, but fails to teach *the positionor information further comprises salary information required for the position*. USAJOBS discloses *the positionor information further comprises salary information required for the position* (USAJOBS – United States Office Of Personnel Management). It would have been obvious for one of ordinary skill in the art at the time the invention was made to include salary information in order to attract job seekers.


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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E. BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


HUNG Q PHAM
Examiner
Art Unit 2162

September 14, 2005


SHAHID ALAM
PRIMARY EXAMINER